

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
MANUEL CASADO and DESIRE CASTILLO, :
individually and on behalf of all others similarly situated, :

Plaintiffs, :

-v- :

JOYS DELI GROCERY CORP., *et al.*, :

Defendants. :
:
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25 Civ. 3561 (JPC)

ORDER

JOHN P. CRONAN, United States District Judge:

The Complaint in this action was filed on April 29, 2025. Dkt. 1. The docket reflects that Defendant Joys Deli Grocery Corp. was served on May 14, 2025 and Defendant Mirtha Castillo was served on June 19, 2025. *See* Dkts. 9, 10. But the docket does not reflect whether Defendant Jorge Luis Sanchez has been served. Pursuant to Federal Rule of Civil Procedure 4(m), “[i]f a defendant is not served within 90 days after the complaint is filed, the court—on motion or on its own after notice to the plaintiff—must dismiss the action without prejudice against that defendant or order that service be made within a specified time.” Fed. R. Civ. P. 4(m). Nor have Plaintiffs requested an extension of time to serve Defendant Jorge Luis Sanchez.


Accordingly, Plaintiffs are ordered to file a status letter by August 5, 2025, describing (1) whether service of the summons and Complaint has been made on Defendant Jorge Luis Sanchez, and if not, (2) why good cause exists to excuse Plaintiffs’ failure to serve Defendant Jorge Luis Sanchez within the 90-day deadline set by Rule 4(m). *See* Fed. R. Civ. P. 4(m) (“[I]f the plaintiff shows good cause for the failure, the court must extend the time for service for an appropriate period.”). The Court reminds Plaintiffs that “[t]o establish good case a plaintiff must demonstrate

that despite diligent attempts, service could not be made due to exceptional circumstances beyond his or her control.” *Deptula v. Rosen*, 558 F. Supp. 3d 73, 75 (S.D.N.Y. 2021) (internal quotation marks omitted).

Plaintiffs must file this letter even if service of the Summons and Complaint is or has already been made on Defendant Jorge Luis Sanchez. If Defendant Jorge Luis Sanchez has been served, Plaintiffs must also file proof of service on the docket no later than August 5, 2025. If no such letter is filed, the Court may dismiss the claims against Defendant Jorge Luis Sanchez for failure to prosecute.

SO ORDERED.

Dated: July 29, 2025
New York, New York



JOHN P. CRONAN
United States District Judge